385.373 SALARIES, FEES, BUDGET; COUNTIES UNDER 75,000; APPEALS.

Subdivision 1. MS 2008 [Repealed, 2009 c 152 s 25]

Subd. 1a. **Implementation.** (a) The county board of each of the counties of less than 75,000 population annually shall set by resolution the salary of the county treasurer which shall be paid to the county treasurer at such intervals as the board shall determine but not less often than once each month.

(b) At the January meeting prior to the first date on which applicants may file for the office of county treasurer the board shall set by resolution the minimum salary to be paid the county treasurer for the term next following.

(c) In the event a vacancy occurs in the office of county treasurer the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year.

(d) The salary of the county treasurer shall not be reduced during the term for which the treasurer was elected or appointed.

(e) In the event that duties are assigned to the treasurer which are in addition to duties as treasurer, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Subd. 2. MS 1974 [Repealed, 1975 c 301 s 16]

Subd. 3. MS 2008 [Repealed, 2009 c 152 s 25]

Subd. 4. MS 1949 [Repealed, 1951 c 327 s 6]

Subd. 5. **Fees, mileage, expense allowance.** The county treasurer shall charge and collect all fees as prescribed by law and all such fees collected shall be paid to the county in the manner and at the times prescribed by the county board, but not less often than once each month. The county treasurer shall not retain any additional compensation, per diem or other emolument for services as county treasurer, but may receive and retain mileage and expense allowances as prescribed by law.

Subd. 6. **Budget.** (a) The county board by resolution shall provide the budget for:

(1) the salaries of deputies, clerks and other employees in the office of the county treasurer;

(2) other expenses necessary in the performance of the duties of said office; and

(3) the payment of premiums of any bonds required of any deputy, clerk or employee in said office

and the board is authorized to appropriate funds therefor and for the salary of the county treasurer.

(b) Nothing in this subdivision shall limit the right of the county treasurer to appoint deputies for said office as provided in Minnesota Statutes 1961, section 385.02.

Subd. 7. **Salary, budget appeals.** The county treasurer if dissatisfied with the action of the county board in setting the amount of the treasurer's salary or the amount of the budget for the office of county treasurer, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive, or in unreasonable disregard for the responsibilities and duties of said office, and the treasurer's experience, qualifications, and performance. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of

appeal on the county auditor and filing same with the court administrator of the district court. The court either in term or vacation and upon ten days' notice to the chair of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Subd. 8. **When this section takes effect.** The provisions of subdivisions 1 to 7 shall take effect in the respective counties specified in subdivision 1 as follows:

(1) upon the expiration of the term of the incumbent holding the office on July 1, 1965; or

(2) upon the occurrence prior thereto of a vacancy in the office of county treasurer; or

(3) subsequent to July 1, 1965, and upon not less than 30 days' written notice by the treasurer, the county board shall make the provisions of subdivisions 1 to 7 effective on the first day of the month following the expiration of the notice period.

Subd. 9. **Inconsistent law superseded.** All laws relating to the salary, fees, and clerk hire for the county treasurer inconsistent herewith are superseded.

History: *1945 c 329 s 1; 1949 c 399 s 1-4; 1951 c 329 s 2; 1965 c 838 s 1-6; 1967 c 388 s 3,4; 1985 c 281 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2009 c 152 s 13*